

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis CLARKE et al.
Title: METHOD AND APPARATUS FOR FOLDING AN AIR
BAG FOR STOWING IN AN AIR BAG MODULE
Appl. No.: 10/598,252
Filing Date: 8/22/06
Examiner: Unassigned
Art Unit: Unassigned

PETITION UNDER 37 C.F.R. § 1.47

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Applicants hereby petition the Commissioner under 35 C.F.R. § 1.47 in connection with the above-identified patent application.


As outlined in the enclosed Statement of Facts signed by Deanna Mejia, an employee of TK Holdings, Inc., non-signing inventors Humberto Hernandez and Andres Rojero are unavailable to provide their signatures for the Declaration, despite diligent efforts. The Statement of Facts includes the last known addresses of Humberto Hernandez and Andres Rojero.

Accordingly, the remaining Applicants hereby petition the Commissioner under 37 C.F.R. § 1.47 for filing the captioned application by other than all of the inventors. Applicants respectfully request that the Application be permitted to proceed with examination in light of the present Petition and the enclosed Statement of Facts. Accordingly, the remaining Applicants hereby petition the Commissioner under 37 C.F.R. § 1.47 for filing the captioned application by other than all of the inventors.

A credit card payment form in the amount of \$200.00 is provided herewith in payment of the fee as set forth in 37 C.F.R. § 1.17(g). The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/2/2007

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370

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STATEMENT OF FACTS FOR PETITION UNDER 37 C.F.R. § 1.47

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Deanna Mejia, hereby declare as follows:

1. I am making this Declaration in connection with a Petition under 37 C.F.R. § 1.47 in connection with the above-identified patent application.

2. I am an employee of TK Holdings Inc. My title is IP Administrator.

3. Mr. Humberto Hernandez and Mr. Andres Rojero are named as inventors in the above-identified application.

4. TK Holdings Inc. has made efforts to contact Mr. Humberto Hernandez and Mr. Andres Rojero. Mr. Humberto Hernandez and Mr. Andres Rojero are no longer employees of TK Holdings Inc. See Exhibit 1, email dated July 9, 2007 from Patricia Fink, Human Resources Coordinator at TK Holdings Inc. Packages containing a letter dated July 9, 2007 were sent via Federal Express to the last known addresses of Mr. Humberto Hernandez and Mr. Andres Rojero requesting them to each sign an enclosed Declaration and Power of Attorney. See Exhibits 2 and 3, letters to Humberto Hernandez and Mr. Andres Rojero; Exhibits 4 and 5, Federal Express tracking updates.

5. The package was delivered to Mr. Humberto Hernandez. See Exhibit 6, Federal Express tracking update dated July 12, 2007. However, no response was received from Mr. Humberto Hernandez. See Exhibit 7, email dated July 16, 2007 from Deanna Mejia. Personnel in Monclova, Mexico have been unsuccessful in their efforts to contact Mr. Humberto Hernandez. See Exhibit 7, email dated July 27, 2007 from Deanna Mejia.

6. The package sent to Mr. Andres Rojero could not be delivered to his last known address and was instead returned to the shipper. See Exhibit 8, Federal Express tracking update. Personnel in Monclova have been unsuccessful in their efforts to contact Mr. Humberto Hernandez. See Exhibit 7, email dated July 27, 2007 from Deanna Mejia.

7. The last known address of Mr. Humberto Hernandez is Matamoros #1337, Zona Centro, Monclova, Coahuila, Mexico.

8. The last known address of Mr. Andres Rojero is Alonso de Leon, Col. Occidental, Frontera Coahuila, Mexico.

9. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11/2/07
Date

Deanna Mejia
Deanna Mejia

EXHIBIT 1

Mejia, Deanna

From: Fink, Patricia
Sent: Monday, July 09, 2007 1:19 PM
To: Mejia, Deanna
Cc: Parga, Ruben
Subject: RE: Associates in Monclova

Hi Deanna!

These 2 people are not working for us any more in Monclova, see below the last address that we had in GIRO:

Andres Rojero

Address: Alonso de Leon, Col. Occidental,
Frontera Coahuila
Cel Phone: 866642-97-22
Contact: Father: Simon Rojero Tel. 01152-492-9310374
Last Position: Process Eng.

Humberto Hernandez

Address: Matamoros #1337
Zona Centro
Monclova, Coahuila
Tel. 6-32-25-24
Contact: Father: Demetrio Hernandez
Last Position: Production Manager

If you need more information, please let me know,

Regards!
Patty Fink
Human Resources Coordinator

From: Parga, Ruben
Sent: Monday, July 09, 2007 10:47 AM
To: Fink, Patricia
Subject: FW: Associates in Monclova
Importance: High

From: Mejia, Deanna
Sent: Monday, July 09, 2007 10:06 AM
To: Parga, Ruben
Cc: Parga, Ruben
Subject: RE: Associates in Monclova
Importance: High

Hi Ruben:

I need to attempt to locate to former associates, in order to have them sign patent applications. Humberto Hernandez and Andres Rojero need to be contacted for this. If you prefer, I can send you the documents that need to be signed. If you are unable to locate them, I need to have the last known addresses for them.

Deanna Mejia

Legal Assistant
TK Holdings Inc.
Ph.: 248.475.6578

7/9/2007

EXHIBIT 2



2500 Takata Drive
Auburn Hills, MI 48326 USA
TEL 248-373-8040
FAX 248-377-2040

COPY

July 9, 2007

Mr. Andres Rojero
Alonso de Leon, Col. Occidental
Frontera Coahuila
Mexico

Re: Method and Apparatus for Folding an Air Bag for Stowing in an Air Bag Module

Dear Mr. Rojero:

Please find enclosed the Declaration and Power of Attorney forms for the above-referenced patent application. These forms must be filed with the United States Patent Office. Please sign the forms where indicated and return to me as soon as possible. It is not necessary to have the form notarized. I have enclosed a self addressed stamped envelope for return postage.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads 'Deanna Mejia'.

Deanna Mejia
Legal Assistant

EXHIBIT 3



2500 Takata Drive
Auburn Hills, MI 48326 USA
TEL 248-373-8040
FAX 248-377-2040

COPY

July 9, 2007

~~Mr. Humberto Hernandez
Metamoros #1337
Zona Centro
Monclova, Coahuila
Mexico~~

Re: Method and Apparatus for Folding an Air Bag for Stowing in an Air Bag Module

Dear Mr. Hernandez:

Please find enclosed the Declaration and Power of Attorney forms for the above-referenced patent application. These forms must be filed with the United States Patent Office. Please sign the forms where indicated and return to me as soon as possible. It is not necessary to have the form notarized. I have enclosed a self addressed stamped envelope for return postage.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Deanna Mejia".

Deanna Mejia
Legal Assistant

EXHIBIT 4

Mejia, Deanna

From: TrackingUpdates@fedex.com
Sent: Tuesday, July 10, 2007 1:49 PM
To: Mejia, Deanna
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

DEANNA MEJIA of TK HOLDINGS sent HUMBERTO HERNANDEZ 1 FedEx International Priority package(s).

This shipment is scheduled to be sent on 07/10/2007.

Reference information includes:

Reference: TK HOLDING

The tracking number(s) is (are)
928410083028

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

To learn more about FedEx Express, please visit our website at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

7/10/2007

EXHIBIT 5

Mejia, Deanna

From: TrackingUpdates@fedex.com
Sent: Tuesday, July 10, 2007 1:50 PM
To: Mejia, Deanna
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

DEANNA MEJIA of TK HOLDINGS sent ANDRES ROJERO 1 FedEx International Priority package(s).

This shipment is scheduled to be sent on 07/10/2007.

Reference information includes:

Reference: TK HOLDING

The tracking number(s) is (are)
928410083039

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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This tracking update has been sent to you by Requestor noted above. FedEx does not validate requestor and does not validate, guarantee or request, the requestor's message, or the accuracy of tracking results and fedex.com's terms of use.

Thank you for your business.



*Fedex unable
to deliver -
returning
package.*

QUESTIONS?
GM VOLUNTEER PLUS, PLEASE CALL TOLL-FREE
(877) 865-GMVP • E-MAIL: GMVP@EASYMATCH.COM

7/10/2007

EXHIBIT 6

Mejia, Deanna

From: TrackingUpdates@fedex.com
Sent: Thursday, July 12, 2007 8:30 PM
To: Mejia, Deanna
Subject: FedEx Shipment 928410083028 Delivered

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

Our records indicate that the following shipment has been delivered:

Tracking number:	928410083028
Reference:	TK HOLDING
Ship (P/U) date:	Jul 10, 2007
Delivery date:	Jul 12, 2007 12:30 PM
Sign for by:	H.HERNANDEZ
Service type:	FedEx International Priority
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	1.00 lb.

Shipper Information
DEANNA MEJIA
TK HOLDINGS
2500 TAKATA DRIVE
AUBURN HILLS
MI
US
48326

Recipient Information
HUMBERTO HERNANDEZ
NETAMOROS #1337 ZONA CENTRO
MONCLOVA
CO
MX
25610

Special handling/Services:
Deliver Weekday

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 7:30 PM CDT on 07/12/2007.

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Thank you for your business.

7/16/2007

EXHIBIT 7

McHenry, Kevin L.

From: Mejia, Deanna [deanna.mejia@takata.com]
Sent: Friday, July 27, 2007 2:17 PM
To: Fink, Patricia
Cc: Stamey, Hunter; Cahill, Jessica M.
Subject: RE: Andres Rojero and Humberto Hernandez
Importance: High

Dear Patricia::

I spoke to our patent attorneys about this matter. Fedex was unable to deliver my package to Andres Rojero, and Humberto Hernandez received his package, or at least someone at that address did, but did not return the papers to me. Is there anyone there in Monclova that can help locate these individuals, so that we do not end up losing the patent? Please let me know if anything can be done.

Than you,

Deanna Mejia
Legal Assistant
TK Holdings Inc.
Ph.: 248.475.6578
Fax: 248.340.2662

From: Fink, Patricia
Sent: Tuesday, July 24, 2007 7:56 PM
To: Mejia, Deanna
Cc: Parga, Ruben
Subject: RE: Andres Rojero and Humberto Hernandez

Hi Deanna!

I can't locate this information, I already asked to the last Human Resources Manager but he didn't know about it.

I'm really sorry, is there anything else that I can do for you?

Regards

From: Mejia, Deanna
Sent: Tuesday, July 24, 2007 11:55 AM
To: Fink, Patricia
Subject: FW: Andres Rojero and Humberto Hernandez
Importance: High

Hi Patricia:

Have you had any progress locating these documents? I need to get something filed on them with the US Patent Office next week.

Thank you,

Deanna Mejia
Legal Assistant

10/30/2007

TK Holdings Inc.
Ph.: 248.475.6578
Fax: 248.340.2662

From: Fink, Patricia
Sent: Monday, July 16, 2007 11:22 PM
To: Mejia, Deanna
Subject: RE: Andres Rojero and Humberto Hernandez

Ok, let me check it and I will let you know!

Regards

From: Mejia, Deanna
Sent: Monday, July 16, 2007 7:41 AM
To: Fink, Patricia
Cc: Stamey, Hunter
Subject: Andres Rojero and Humberto Hernandez
Importance: High

Hi again!

I attempted to reach these persons in order to get some documents for the United States Patent Office signed. I have not yet received a response from Humberto, and we are unable to contact Andres at the last know address. Can you please send to me any agreements they signed stating that any inventions they participated in are the property of the corporation? I am not sure what the document is called there, but I know that the engineers are all asked to sign it when they become employed.

Thanks for your help1

Deanna Mejia
Legal Assistant
TK Holdings Inc.
Ph.: 248.475.6578
Fax: 248.340.2662

The information in this email and attachments hereto may contain legally privileged, proprietary or confidential information that is intended for a particular recipient. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this e-mail information is prohibited and may be unlawful. When addressed to Takata customers or vendors, any information contained in this e-mail is subject to the terms and conditions in the governing contract, if applicable. If you have received this communication in error, please immediately notify us by return e-mail, permanently delete any electronic copies of this communication and destroy any paper copies.

10/30/2007

EXHIBIT 8

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Track Shipments Detailed Results

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Tracking number 928410083039
Ship date Jul 10, 2007

Reference TK HOLDING
Destination FRONTERA MX
Service type Priority Envelope
Weight 1.0 lbs.

Wrong Address?
Reduce future mistakes by us
[FedEx Address Checker](#).

**Tracking a FedEx SmartPost
Shipment?**
[Go to shipper login](#)

Status Delivery exception

Date/Time	Activity	Location	Details
Jul 16, 2007	9:07 AM Package returned to shipper	APODACA MX	Return tracking number: 862495010150
Jul 13, 2007	5:21 PM At local FedEx facility	APODACA MX	
Jul 12, 2007	6:54 PM At local FedEx facility	APODACA MX	
Jul 11, 2007	6:31 PM At local FedEx facility	APODACA MX	
	2:04 PM Delivery exception	APODACA MX	Incorrect address
	9:02 AM At dest sort facility	APODACA MX	
	8:55 AM Int'l shipment release	APODACA MX	
	8:31 AM In transit	APODACA MX	Package available for clearance
	4:59 AM Departed FedEx location	MEMPHIS, TN	
	1:18 AM Departed FedEx location	MEMPHIS, TN	
	12:38 AM Arrived at FedEx location	MEMPHIS, TN	
Jul 10, 2007	7:46 PM Left origin	AUBURN HILLS, MI	
	4:11 PM Picked up	AUBURN HILLS, MI	
	1:09 PM Package data transmitted to FedEx		

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